

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

PARALLEL SEPARATION INNOVATIONS  
LLC,

Plaintiff,

v.

SCHLUMBERGER N.V.  
(SCHLUMBERGER LIMITED), ET AL.,

Defendants.

Civil Action No. 2:14-cv-00549-JRG  
**LEAD CASE**

**JURY TRIAL DEMANDED**

NATIONAL OILWELL VARCO, INC., ET  
AL.,

Defendants.

Civil Action No. 2:14-cv-00556-JRG

**JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT**

Plaintiff, Parallel Separation Innovations LLC (“PSI”), and Defendants, National Oilwell Varco, Inc., et al. (“NOV”), hereby submit this Joint Claim Construction and Prehearing Statement pursuant to P.R. 4-3 and this Court’s Case Management Plan (Doc. No. 73).<sup>1</sup>

**I. P.R. 4-3(a): The Construction of Claim Terms, Phrases, or Clauses on Which the Parties Agree.**

The parties have agreed to the construction of the following term:

<b>TERM/PHRASE</b>	<b>AGREED CONSTRUCTION</b>
shale shaker (Claim 1)	A device that separates drilling solids from drilling mud.

**II. P.R. 4-3(b): Each Party’s Proposed Constructions.**

<sup>1</sup> The Court has currently stayed all deadlines as to the Schlumberger Defendants in lead case C.A. 2:14-CV-00549-JRG, pursuant to Settlement in Principle. See Dkt. No. 98.

PSI's proposed constructions are attached hereto as Exhibit A. Defendants' proposed constructions are attached hereto as Exhibit B.

The above-referenced exhibits identify the intrinsic and extrinsic evidence that the respective parties presently intend to rely upon in support of their proposed constructions or to oppose any other party's proposed constructions.

**III. P.R. 4-3(c): The Anticipated Length of Time Necessary for the Claim Construction Hearing.**

The Court has scheduled the Claim Construction Hearing for June 4, 2015. (Dkt. No. 73). The parties anticipate that no more than four hours of time (*i.e.*, 2 hours per side) are necessary for the Claim Construction Hearing.

**IV. P.R. 4-3(d): Whether Any Party Proposes to Call One or More Witnesses.**

Plaintiff does not believe that the testimony of any witnesses is necessary or appropriate for the present case. Plaintiff anticipates filing a motion to exclude the testimony of the NOV witness Mr. Morgenthaler, but Plaintiff would respectfully request the opportunity to provide rebuttal testimony in the event that the Court denies Plaintiff's motion.

NOV plans to call its expert witness, Mike Morgenthaler. Mr. Morgenthenthaler's C.V. is attached as Exhibit C. Mr. Morganthaler will testify about the background of the technology, the field of the asserted patent, and the technology disclosed in the asserted patent. He will testify about the meaning of a person of ordinary skill in the art ("POOSITA"). He will testify that NOV's proposed claim constructions, from the view of a POOSITA, would be the recognized meaning of the asserted patent claim terms. His testimony about NOV's proposed claim constructions will be based on: (1) his background and experience (disclosed in Exhibit C); and (2) NOV's cited intrinsic and extrinsic evidence in Exhibit B. Mr. Morganthaler will be presented to PSI for a deposition, at a mutually convenient time and place, prior to the due date of the parties' *Markman* briefs.

**V. P.R. 4-3(e): A List of Any Other Issues That Might Appropriately Be Taken Up at a Prehearing Conference.**

NOV wishes to discuss its pending motion to transfer venue to the Southern District of Texas (Doc. No. 18) and motion to stay pending resolution of venue (Doc. No. 51) at the prehearing conference.

PSI is not presently aware of any issues to be taken up at the prehearing conference. PSI suggests that the NOV motions referred above have been fully briefed and that no further argument is necessary.

March 12, 2015

Respectfully submitted,

/s/ Henry Pogorzelski

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**CERTIFICATE OF CONFERENCE**

I hereby certify that Plaintiff and the NOV Defendants have authorized this joint filing.

Date: March 12, 2015

/s/ Henry M. Pogorzelski  
Henry M. Pogorzelski

**CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

Date: March 12, 2015

/s/ Henry M. Pogorzelski  
Henry M. Pogorzelski